

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

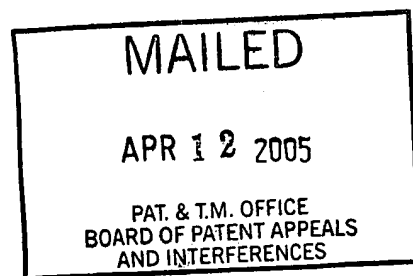
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte NINO RICHARD VAGHI

Appeal No. 2005-0350
Application No. 09/584,099

ON BRIEF



Before PATE, MCQUADE, and BAHR, Administrative Patent Judges.

PATE, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 21-33. These are the only claims in the application.

The claimed invention is directed to an electronic scale integrally formed with any one of a flat panel display, a printer of a personal computer, a CPU of a personal computer or a CRT monitor.

The references of record relied upon by the examiner as evidence of obviousness are:

EerNisse et al. (EerNisse)	4,526,247	Jul. 2, 1985
Baitz et al. (Baitz)	6,037,548	Mar. 14, 2000
Dlugos	6,098,057	Aug. 1, 2000 (filed Dec. 24, 1997)

The Rejections

Claims 21, 23, 24, 28, 30 and 32 stand rejected under 35 U.S.C. § 103 as unpatentable over Baitz in view of EerNisse.

Claims 22, 25 and 29 stand rejected under 35 U.S.C. § 103 as unpatentable over Dlugos in view of EerNisse.

Claims 26, 27, 31 and 33 stand rejected under 35 U.S.C. § 103 as unpatentable over Baitz in view of EerNisse and Dlugos.

For further details of the arguments of the appellant and the examiner, reference is made to the appeal brief and the examiner's answer.

OPINION

The following comprises our findings of fact with respect to the scope and content of the prior art and the differences between the prior art and the claimed invention. Baitz discloses a combination scale and CPU used in a retail setting. Baitz has a housing 102, topped by a platform 104 for supporting any item to be weighed.

The housing has a small display 107 on the front face along with a slot which forms the output 182 of a printer 184 integral installed in the housing 102. As either a part of the housing 102 or optionally attached to the front of the housing 102 is a projecting structure 109 which carries a keypad 126. See col. 3, lines 3-6; col. 3, lines 7-14. Baitz clearly discloses that the keypad 122 may be optionally replaced with a combined display/input device. See col. 1, lines 43, 44. The display/input device is further disclosed as, for example, a monitor with a so-called touch screen or pen computer surface with soft keys. See col. 1, lines 57-65. It is our further finding that in this context, "soft keys" refer to key spaces on the display which change their function according to the software. Based on our careful reading of Baitz, we are in agreement with the examiner that, at least in some installations, Baitz contemplates a flat panel display installed on the projecting structure 109. We are therefore in disagreement with the sketch provided by the appellant in the brief that illustrates appellant's interpretation of the Baitz disclosure as a separate flat panel plugged into a com port (not shown) on the rear of housing 102. Baitz does not disclose a cathode ray tube (CRT).

Dlugos discloses a method and apparatus for processing and mailing a batch of articles in which each article is separately weighed and a manifest including the weight of all articles is generated. Included in the apparatus is a combination scale and printer 32 which comprises a scale 34 and a printer 44. The printer can be any of several well

known types, col. 9, lines 27-30, and is designed to print a unique marker on each article to be mailed as the item is weighed. Since the printer is part of the scale, col. 9, line 34, the article may be weighed first or it may have its unique identifier printed thereon first. Although Dlugos discloses a personal computer with another printer, a CPU, and a monitor, none of these other components have a scale built in.

Finally, EerNisse has been cited to show a force transducer in a measuring apparatus.

Based on our factual findings outlined above, in our view Baitz clearly discloses an electronic scale integrally formed with a flat panel display, a printer, or a CPU of a personal computer. Additionally, it would have been obvious at the time the invention was made to have used a transducer such as the transducer of EerNisse in the scale of Baitz. Accordingly, we will affirm the rejections of claims 21, 24, 27, 28, 32 and 33. It is also our view that Dlugos discloses a printer 44 integrally formed with an electronic scale. Therefore we affirm the rejections of claims 22, 25 and 29.

With respect to claims 23, 26, 30 and 31, it is our finding that Baitz does not teach or suggest a cathode ray tube installed anywhere in or on his terminal. It is unclear how a CRT could be integrated into the relatively flat cover plate 120. Accordingly, we reverse the rejections of claims 23, 26, 30 and 31.

Appellant argues that Baitz only contemplates a flat panel added as shown in appellant's sketch. As noted above, a careful reading of Baitz indicates otherwise. Appellant further argues that Baitz is not a personal computer. In our view, Baitz clearly illustrates a smart terminal with all the features that would characterize a personal computer such as display, keypad or input means, a printer, a PCMCIA slot, a floppy drive and/or CD-ROM drive, a data processor and control unit, and a memory. Appellant states that the Baitz apparatus is a special purpose computer and not a personal computer that has a general purpose processor. Clearly this is merely an intended use and cannot distinguish appellant's apparatus claims. In view of the fact that Baitz has all the structure and features of appellant's personal computer, the difference between a personal computer and a special purpose computer as defined by the appellant is merely the software that is installed thereon. Finally, as noted by the examiner, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification. *In re Morris*, 127 F.3d 1048, 1053-54, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). In this instance, appellant's specification provides no evidence that would differentiate the claimed personal computer over the computer of Baitz .

With respect to Dlugos, appellant argues that the printer does not function as a printer for a personal computer and does not print out word processing documents. We are in agreement with the examiner that the printer 44 of Dlugos is a printer attached to a personal computer. It prints a unique identifier on the article to be mailed and transmits the information to a personal computer. Giving the claims their broadest reasonable interpretation, this printer 44 is a printer "for" or "of" a personal computer. Word processing documents and the like are not found in the claims on appeal.

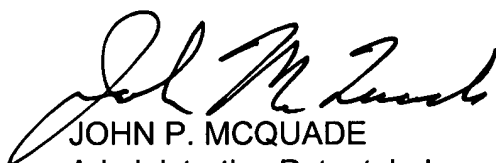
In summary, the rejections of claims 21, 22, 24, 25, 27-29, 32, and 33 are affirmed. The rejections of claims 23, 26, 30 and 31 are reversed.

No time period for taking any subsequent action in connection with this appeal
may be extended under 37 CFR § 1.136(a).

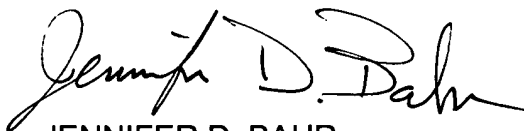
AFFIRMED-IN-PART



WILLIAM F. PATE, III
Administrative Patent Judge



JOHN P. MCQUADE
Administrative Patent Judge



JENNIFER D. BAHR
Administrative Patent Judge

)
)
)
)
)
) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES
)
)
)
)

WFP/lbg

Appeal No. 2005-0350
Application No. 09/584,099

Page 8

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153